

**Senate File 390 - Introduced**

SENATE FILE 390

BY QUIRMBACH

**A BILL FOR**

1 An Act relating to state and school antiharassment and  
2 antibullying policies, providing for training for school  
3 personnel, establishing a bullying and violence prevention  
4 student mentoring pilot program and a school climate  
5 improvement grant program, providing for a school climate  
6 and bullying work group, and making an appropriation.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.9, Code 2017, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 61. Subject to an appropriation of funds by  
4 the general assembly, ensure each school district has access to  
5 adequate training on conducting investigations of complaints of  
6 incidents of harassment or bullying pursuant to section 280.28  
7 by offering such training on an annual basis to at least one  
8 employee per district.

9 Sec. 2. NEW SECTION. **256.25 Bullying and violence**  
10 **prevention student mentoring pilot program.**

11 1. Subject to an appropriation of funds by the general  
12 assembly, the department shall establish a student mentoring  
13 pilot program to explore how student leadership can help  
14 prevent bullying and violence in schools. The program shall  
15 promote best practices for bullying and violence prevention for  
16 middle and high school students.

17 2. The department shall establish the program in at least  
18 two middle schools and two high schools in the state. The  
19 selected schools shall include both urban and rural schools.

20 3. The department shall establish criteria for the  
21 selection of participating schools and evaluation of the  
22 program.

23 Sec. 3. NEW SECTION. **256.101 School climate improvement**  
24 **grant program.**

25 1. For purposes of this section, "*harassment*" and "*bullying*"  
26 mean the same as defined in section 280.28.

27 2. A school climate improvement grant program is  
28 established in the department to build upon previous state  
29 efforts to promote school safety, including the Iowa safe and  
30 supportive schools grant and program, by providing funds to  
31 school districts and accredited nonpublic schools to maintain,  
32 improve, and promote safe and supportive learning environments  
33 in this state.

34 3. The department shall award funds from the program  
35 to schools on a competitive grant basis. Awards shall be

1 consistent with the following goals of the program:

2     *a.* To utilize research-based and outcome-based best  
3 practices in implementing antiharassment and antibullying  
4 efforts.

5     *b.* To assist schools to promote a climate of greater  
6 productivity, safety, and learning.

7     *c.* To assist schools in the professional development of  
8 staff in research-based and outcome-based best practices to  
9 implement school safety programs and classroom management  
10 programs.

11     *d.* To assist schools in enhancing and coordinating  
12 antiviolence efforts between schools, professional, parental,  
13 governmental, law enforcement, and community organizations and  
14 associations.

15     4. Grants from the program may be used to fund school  
16 programs or activities including but not limited to the  
17 following:

18     *a.* Qualified staff training to implement section 280.28.

19     *b.* Technical assistance for improved classroom management.

20     *c.* School safety programs that incorporate research-based  
21 and outcome-based best practices that are intended to address  
22 risk factors to reduce incidents of problem behaviors among  
23 students including antiharassment and antibullying programs.

24     *d.* Mental health demonstration projects.

25     *e.* Safety training and resources that enhance the overall  
26 safety of students and staff.

27     5. The department shall give priority in grant awards to the  
28 following applicants:

29     *a.* Applicants that utilize data to demonstrate need based on  
30 the number or severity of incidents of harassment or bullying  
31 the applicants have experienced or other data that indicate  
32 need.

33     *b.* Applicants that provide a commitment of additional funds  
34 from public or private sources for the programs or activities  
35 for which a grant is sought.

1     6. The department shall pursue additional funding from  
2 public and private sources to support the program.

3     7. The department shall adopt rules pursuant to chapter  
4 17A to administer the program, including but not limited to an  
5 application process and grant award criteria.

6     Sec. 4. Section 280.28, subsection 2, paragraphs a and c,  
7 Code 2017, are amended to read as follows:

8     *a. "Electronic"* means any communication involving the  
9 transmission of information by wire, radio, optical cable,  
10 electromagnetic, or other similar means. *"Electronic"* includes  
11 but is not limited to communication via electronic mail,  
12 internet-based communications including social networking  
13 sites, pager service, cell phones, ~~and~~ electronic text  
14 messaging, or any other electronic communication site, device,  
15 or means.

16     *c. "Trait or characteristic of the student"* includes but  
17 is not limited to age, color, creed, national origin, race,  
18 religion, marital status, sex, sexual orientation, gender  
19 identity, physical attributes, physical or mental ability or  
20 disability, ancestry, political party preference, political  
21 belief, socioeconomic status, ~~or~~ familial status, behavior, or  
22 any other distinguishing characteristic. This paragraph shall  
23 be construed broadly to achieve the purposes of this section.

24     Sec. 5. Section 280.28, subsection 3, Code 2017, is amended  
25 by adding the following new paragraph:

26     NEW PARAGRAPH. *h.* A procedure for the notification as  
27 soon as practicable of the parents or guardians of the alleged  
28 targeted students and perpetrators in a reported incident  
29 of harassment or bullying. The procedure shall include an  
30 exception to the notification requirement if a school official  
31 or a student whose parent or guardian would otherwise be  
32 notified reasonably believes notification would subject the  
33 student to rejection, abuse, or neglect.

34     Sec. 6. Section 280.28, Code 2017, is amended by adding the  
35 following new subsections:

1     NEW SUBSECTION.   9.   *Authority off school grounds.*

2     a.   A school official may investigate and impose school  
3 discipline in a founded case of harassment or bullying that  
4 occurs outside of school, off of school property, or away from  
5 a school function or school-sponsored activity if all of the  
6 following apply:

7       (1) An incident of harassment or bullying is reported  
8 pursuant to the school's policy adopted under subsection 3,  
9 paragraph "e".

10      (2) The alleged incident of harassment or bullying has  
11 an effect on a student on school grounds that creates an  
12 objectively hostile school environment that meets one or more  
13 of the conditions set out under subsection 2, paragraph "b".

14     b.   A school official's investigation and response to an  
15 alleged incident of bullying or harassment that occurs outside  
16 of school, off of school property, or away from a school  
17 function or school-sponsored activity may include referring  
18 the matter to appropriate community-based agencies including  
19 but not limited to social services agencies, law enforcement  
20 agencies, and nonprofit organizations.

21     NEW SUBSECTION.   10.   *Rule of construction.*   This section  
22 shall not be construed to diminish a school administrator's  
23 discretion to impose discipline or take other action in the  
24 case of an unfounded incident of harassment or bullying if a  
25 student's behavior otherwise constitutes student misconduct  
26 based on other grounds.

27     Sec. 7.   SCHOOL CLIMATE AND BULLYING WORK GROUP.

28     1.   The department of education shall convene a  
29 public-private work group of representatives of state and local  
30 agencies, citizens, community groups, and organizations who  
31 have experience and expertise in the areas of antibullying  
32 education, research, and training. The work group, after  
33 reviewing existing research, data, and strategies, shall  
34 provide recommendations to the department regarding best  
35 practices, training, resources, additional research needs,

1 data collection, changes to state law and administrative  
2 rules, and any other matters to enhance statewide school  
3 climate improvement and bullying prevention, awareness, and  
4 intervention.

5 2. The membership of the work group shall include but not be  
6 limited to the following, to be appointed by the director:

7 a. At least three Iowans who are experts in research-based  
8 antibullying curricula or programs.

9 b. A public or nonpublic high school student.

10 c. A parent of a student enrolled in a public elementary or  
11 secondary school on a full-time basis.

12 d. A parent of a student enrolled in a nonpublic elementary  
13 or secondary school on a full-time basis.

14 e. A member from nominees submitted by the school  
15 administrators of Iowa.

16 f. A member from nominees submitted by the Iowa association  
17 of school boards.

18 g. A member from nominees submitted by the Iowa state  
19 education association.

20 h. Representatives from any organizations representing  
21 other relevant public or nonpublic school professionals.

22 i. A representative from a statewide organization that  
23 provides research-based training on bullying for school  
24 professionals.

25 j. A representative from at least one statewide  
26 organization with at least five years' experience in advocating  
27 on bullying prevention based on research-based best practices.

28 k. A representative for children placed in foster care.

29 l. A representative of school counselors.

30 m. A member from nominees submitted by the Iowa parent  
31 teacher association.

32 3. When making appointments to the work group, the director  
33 shall ensure that public, nonpublic, urban, and rural schools  
34 are adequately represented by the membership of the work group.

35 4. The work group shall also include two ex officio members

1 of each house of the general assembly. One member each shall  
 2 be selected by the majority leader of the senate and by the  
 3 minority leader of the senate, and one member each shall be  
 4 selected by the speaker of the house of representatives and by  
 5 the minority leader of the house of representatives. Members  
 6 of the general assembly shall serve for terms as provided in  
 7 section 69.16B and shall be entitled to receive per diem and  
 8 necessary travel and actual expenses pursuant to section 2.10,  
 9 subsection 5, while carrying out their official duties as  
 10 members of the work group.

11 5. The department shall convene the work group by October  
 12 1, 2017. The work group shall submit its findings and  
 13 recommendations in a final report to the department and the  
 14 chairpersons and ranking members of the senate and house  
 15 education committees by December 22, 2017.

16 Sec. 8. APPROPRIATION. There is appropriated from the  
 17 general fund of the state to the department of education  
 18 for the fiscal year beginning July 1, 2017, and ending June  
 19 30, 2018, the following amounts, or so much thereof as is  
 20 necessary, to be used for the purposes designated:

21 For the provision of grants from the school climate  
 22 improvement grant program established in section 256.101:

23 ..... \$ 1,000,000

24 Notwithstanding section 8.33, moneys appropriated in this  
 25 section that remain unencumbered or unobligated at the close of  
 26 the fiscal year shall not revert but shall remain available for  
 27 expenditure for the purposes designated until the close of the  
 28 succeeding fiscal year.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with  
 31 the explanation's substance by the members of the general assembly.

32 This bill requires the director of the department of  
 33 education, subject to an appropriation of funds by the general  
 34 assembly, to ensure each school district has access to adequate  
 35 training on conducting investigations of complaints of

1 incidents of harassment or bullying pursuant to Code section  
2 280.28, the state law relating to school antiharassment and  
3 antibullying policies, by offering such training on an annual  
4 basis to at least one employee per district.

5 The bill requires the department of education, subject to an  
6 appropriation of funds by the general assembly, to establish  
7 a student mentoring pilot program to explore how student  
8 leadership can help prevent bullying and violence in schools.  
9 The program shall promote best practices for bullying and  
10 violence prevention for middle and high school students. The  
11 department must establish the program in at least two middle  
12 schools and two high schools, which shall include both urban  
13 and rural schools. The department must establish criteria  
14 for selection of participating schools and evaluation of the  
15 program.

16 The bill establishes a school climate improvement grant  
17 program in the department of education to build upon previous  
18 state efforts to promote school safety, including the Iowa safe  
19 and supportive schools grant and program, by providing funds to  
20 school districts and accredited nonpublic schools to maintain,  
21 improve, and promote safe and supportive learning environments  
22 in this state.

23 The department shall award funds from the program to schools  
24 on a competitive grant basis. Awards shall be consistent with  
25 the goals of the program as specified in the bill.

26 Grants from the program may be used to fund school programs  
27 or activities including but not limited to qualified staff  
28 training to implement Code section 280.28, technical assistance  
29 for improved classroom management, and certain other programs  
30 and activities specified in the bill.

31 The department shall give priority in grant awards to  
32 certain applicants specified in the bill.

33 The bill appropriates to the department for fiscal year  
34 2017-2018, for carryforward into fiscal year 2018-2019, \$1  
35 million to be used for grants from the program.



1 The bill modifies the definition of "electronic" under Code  
2 section 280.28 by adding any other electronic communication  
3 site, device, or means to the definition and by including  
4 social networking sites as part of the term "internet-based  
5 communications".

6 Under Code section 280.28, subsection 2, "harassment" and  
7 "bullying" shall be construed to mean any electronic, written,  
8 verbal, or physical act or conduct toward a student which is  
9 based on any actual or perceived trait or characteristic of  
10 the student and which creates an objectively hostile school  
11 environment that meets one or more of certain conditions. The  
12 bill modifies the definition of "harassment" and "bullying"  
13 under Code section 280.28 by adding behavior or any other  
14 distinguishing characteristic to the definition. The bill  
15 provides that the definition of "harassment" and "bullying" is  
16 to be construed broadly to achieve the purposes of the law.

17 The bill requires school antiharassment and antibullying  
18 policies to include a procedure for the notification as soon as  
19 practicable of the parents or guardians of the alleged targeted  
20 students and perpetrators in a reported incident of harassment  
21 or bullying. The procedure must include an exception to the  
22 notification requirement if a school official or a student  
23 whose parent or guardian would otherwise be notified reasonably  
24 believes notification would subject the targeted student to  
25 rejection, abuse, or neglect.

26 The bill grants school officials the authority to  
27 investigate and impose school discipline or take other action  
28 in cases of alleged incidents of harassment or bullying that  
29 occur outside of school, off of school property, or away from  
30 school functions or school-sponsored activities if certain  
31 conditions are met. Those conditions are that an incident of  
32 harassment or bullying is reported pursuant to the school's  
33 antiharassment and antibullying policy; and that the alleged  
34 incident of harassment or bullying has an effect on school  
35 grounds that creates an objectively hostile school environment

1 that places the student in reasonable fear of harm to the  
2 student's person or property; has a substantially detrimental  
3 effect on the student's physical or mental health; has the  
4 effect of substantially interfering with a student's academic  
5 performance; or has the effect of substantially interfering  
6 with the student's ability to participate in or benefit from  
7 the services, activities, or privileges provided by a school.

8 The bill provides that a school official's investigation  
9 and response to an alleged incident of bullying or harassment  
10 that occurs outside of school, off of school property, or away  
11 from a school function or school-sponsored activity may include  
12 referring the matter to appropriate community-based agencies.

13 The bill provides that Code section 280.28 shall not be  
14 construed to diminish a school administrator's discretion  
15 to impose discipline or take other action in the case of an  
16 unfounded incident of harassment or bullying if a student's  
17 behavior otherwise constitutes student misconduct based on  
18 other grounds.

19 The bill requires the department of education to convene  
20 a public-private work group of representatives of state and  
21 local agencies, citizens, community groups, and organizations  
22 who have experience and expertise in the areas of antibullying  
23 education, research, and training. The work group, after  
24 reviewing existing research, data, and strategies, shall  
25 provide recommendations to the department regarding matters  
26 to enhance statewide school climate improvement and bullying  
27 prevention, awareness, and intervention. The bill provides for  
28 membership of the work group to be appointed by the director of  
29 the department. When making appointments to the work group,  
30 the director must ensure that public, nonpublic, urban, and  
31 rural schools are adequately represented by the membership  
32 of the work group. The work group shall also include ex  
33 officio legislative members. The department must convene the  
34 work group by October 1, 2017. The work group must submit  
35 its findings and recommendations in a final report to the

1 department and the chairpersons and ranking members of the  
2 senate and house education committees by December 22, 2017.